

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

SABINO MARTINEZ,

Plaintiff,

v.

Case No. 2:20-cv-1169 MV/KRS

CITY OF CARLSBAD, et al.,

Defendants.

SCHEDULING ORDER

THIS MATTER comes before the Court following a telephonic Rule 16 scheduling conference held on August 24, 2021. At the hearing, the Court adopted the parties' proposed Joint Status Report and Provisional Discovery Plan, with slight modifications, as reflected in the dates below

Accordingly, **IT IS HEREBY ORDERED** that the parties shall adhere to the following discovery plan:

- (a) Maximum of twenty-five (25) interrogatories by each party to any other party, with responses due thirty days after service plus three days for mailing.
- (b) Maximum of twenty-five (25) requests for admission by each party to any other party, with responses due thirty days after service plus three days for mailing.
- (c) Maximum of ten (10) depositions by Plaintiff and ten (10) by Defendants. Each deposition limited to six (6) hours (other than of principals and experts, which are limited to seven (7) hours), unless extended by agreement of the parties.

IT IS FURTHER ORDERED that the following case management deadlines shall govern:

- (a) Deadline for Plaintiff and to amend pleadings pursuant to Federal Rule of Civil Procedure 15: **October 22, 2021**;
- (b) Deadline for Plaintiff and to join additional parties pursuant to Federal Rule of Civil Procedure 15: **October 29, 2021**
- (c) Deadline for Defendants to amend pleadings pursuant to Federal Rule of Civil Procedure 15: **November 22, 2021**;
- (d) Deadline for Defendants to join additional parties pursuant to Federal Rule of Civil Procedure 15: **November 29, 2021**
- (e) Deadline for Plaintiff's expert reports: **April 15, 2022**;
- (f) Deadline for Defendants' expert reports: **May 17, 2022**;
- (g) Termination of discovery: **June 17, 2022**;
- (h) Deadline for supplementing discovery/disclosures: Due ten (10) days following receipt of supplementary materials or information;
- (i) Motions relating to discovery: **July 7, 2022**;
- (j) All other motions:¹ **July 18, 2022**;
- (k) Pretrial order: Plaintiff to Defendant by: **September 2, 2022**;
 Defendant to Court by: **September 16, 2022**.

IT IS FURTHER ORDERED that the Court must approve any changes to the timing or scope of discovery, other than the parties' agreement to extend the length of a deposition made

¹ This deadline applies to motions related to the admissibility of experts or expert testimony that may require a *Daubert* hearing, but otherwise does not apply to motions *in limine*. The Court will set a motions *in limine* deadline in a separate order.

during the deposition in question. Requests by a party to change the timing or scope of discovery, other than a mutual agreement to extend a deposition reached during the deposition, must be made by motion and before the termination of discovery or the expiration of any applicable deadline. Discovery must be completed on or before the termination of the discovery deadline. A written discovery request must be propounded by a date which ensures that the response to that request is due on or before the discovery deadline. The parties are further reminded that the cutoff for motions related to discovery does not relieve the party of the twenty-one (21) day time period under Local Rule 26.6 to challenge a party's objections to answering discovery. The parties are encouraged to review Federal Rule of Civil Procedure 26(a)(2) to ensure they properly disclose *all* testifying witnesses, not just those for whom a report is required.



KEVIN R. SWEAZEA
UNITED STATES MAGISTRATE JUDGE